



Association of State and Interstate
Water Pollution Control Administrators

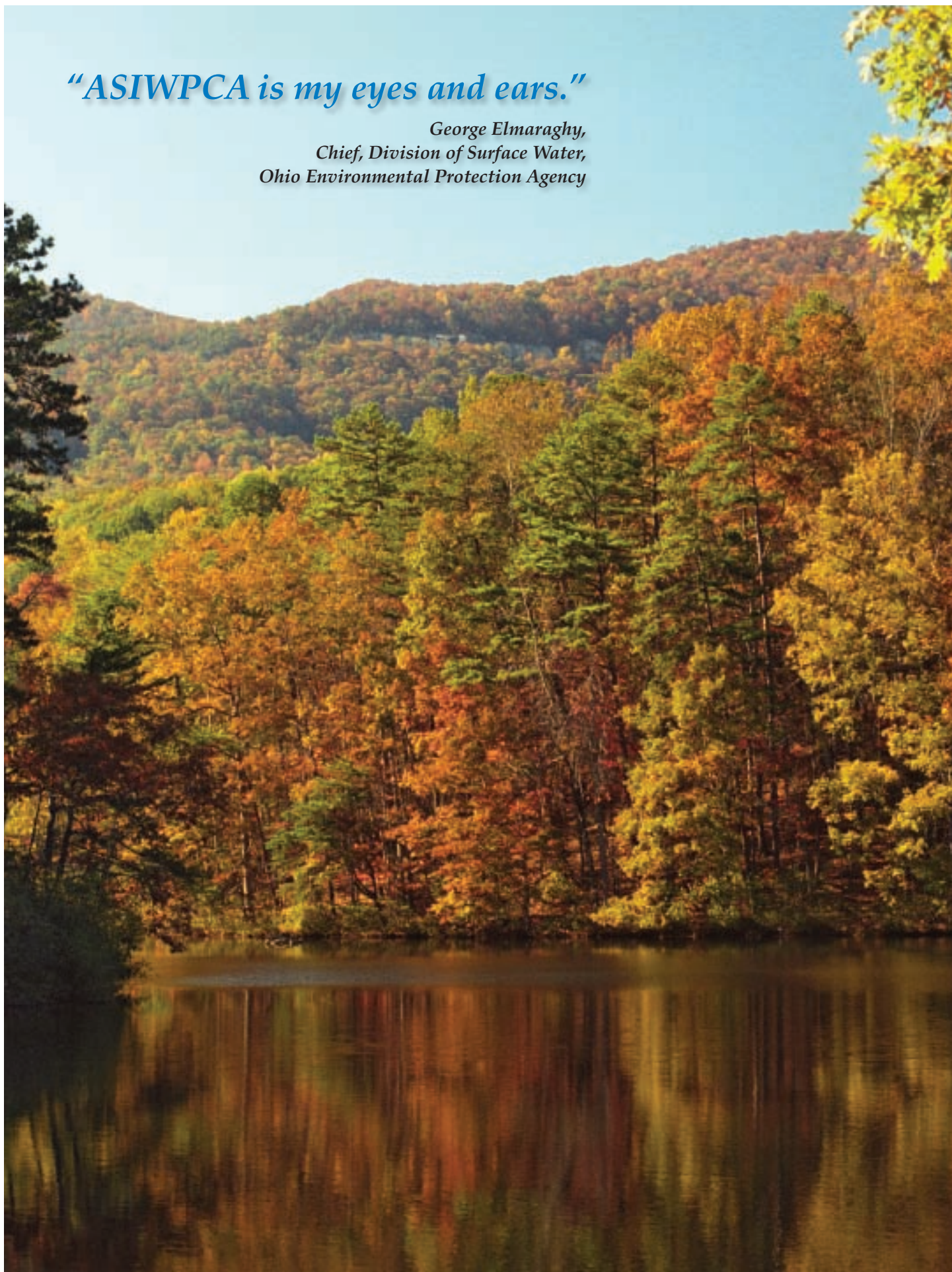
Annual Report

Fiscal Year 2011



“ASIWPCA is my eyes and ears.”

*George Elmaraghy,
Chief, Division of Surface Water,
Ohio Environmental Protection Agency*





Annual Report Fiscal Year 2011

Table of Contents



Photos: clockwise from top left.
 Sarah Wheeler (CO DPHE), Jeff Tisl (IA DNR),
 Don Essig (ID DEP), Michelle Shane (KY DEP)

Section 1: Association Overview

Letter from ASIWPCA's President	2
Letter from ASIWPCA's Executive Director & General Counsel	3
About ASIWPCA, History, & Mission	4
ASIWPCA Leadership & Staff	5
ASIWPCA Membership	6

Section 2: Regulatory, Legislative, & Programmatic Accomplishments

Climate Change & Energy	7
Legal Affairs	7
Monitoring, Standards, & Assessment	8
National Water Program Funding	8
Nutrients	9
Permitting, Compliance, & Enforcement	9
Watersheds, TMDLs, & Nonpoint Source	10
Legislative Efforts	10
Federal Grants	11

Section 3: Fiscal Snapshot

FY2011 Revenue Chart	12
FY2012 Revenue Chart	13

Letter to the Membership from President Walt Baker

Dear Colleagues,

I am pleased to serve as ASIWPCA's President as we gather in Charleston, South Carolina for our Annual Meeting and 50th Anniversary Celebration, and to take the opportunity to reflect on our accomplishments over the Fiscal Year (FY). This was indeed a time of change, challenge, and opportunity. We began the FY in a focused search for a new Association Executive Director, concluding the process with final interviews at the Annual Meeting in Indianapolis, Indiana. Also, in Indianapolis, Andy Fisk (ME) was elected President.



The November 2010 state and federal elections ushered in 93 new Members of Congress, 13 new Senators, and 30 new Governors. As a result, we welcomed many new ASIWPCA Members, and said farewell to Andy as he left state service to take the helm of a watershed group. I became President, and Steve Gunderson (CO) was elected Vice President. Career opportunities led to a few more changes. In March, Region III Board Representative Kathy Bunting-Howarth (DE) left state service to enter academia, and Dana Aunkst (PA) took her place as regional representative. In April, Past-President Ellen Gilinsky (VA) was appointed Special Advisor to the U.S. Environmental Protection Agency's (EPA's) Office of Water, ushering Past-President Harry Stewart (NH) back to a leadership role. Through all this change, our membership remained committed to the tasks at hand and ready to step up and serve.

Our new Executive Director & General Counsel Alexandra Dunn joined us in the second quarter, launching new initiatives and conducting a top to bottom evaluation of internal operations. Alex has spent most of her time reinvigorating partnerships, engaging ASIWPCA in a full plate of legislative and regulatory challenges, and reestablishing us as the preeminent state organization on Clean Water Act and water quality issues. The hard working and dedicated ASIWPCA staff effectively represents the organization across diverse topics, supports our Committees and Task Forces, and maximizes the value of your dues dollar by continually implementing cost saving measures for the Association's core operations.

As you read the *Fiscal Year 2011 ASIWPCA Annual Report*, I hope you quickly realize the value of your ASIWPCA dues. The power of the collective is what we are all about. Together, as states and interstates, we are leveraging resources and accomplishing more than we could ever afford to do individually. Generally for less than 20 percent of a management FTE, your dues allow your state to respond to federal agencies, Congress, non-governmental organizations (NGOs), and industry with a common voice. Not a week goes by when we are not asked through ASIWPCA where we stand on issues.

The contributions, creativity, and commitment of the individual ASIWPCA members and their staff are critical to the success of this organization. It is your dedication and support that ensures our message is relevant and representative. If you have not done so already, please review the list of Task Forces, Committees, and Workgroups offered by ASIWPCA and make sure you and your staff are involved.

We have several challenges ahead of us, especially in the area of diminishing revenues. All of us are facing state budget cuts, the inability to fill open positions, travel restrictions, and periodic furloughs. The federal budget has yet to stabilize and states are feeling the impact of EPA appropriations decreases. The courts and the federal government continue to ask states to do more with less. With your support, we are prepared to meet these challenges with constitution, dedication, collaboration, and modernization.

In closing, I want to thank the membership and the staff. You have stepped up to the new challenges we face, and ASIWPCA is a dynamic, flexible, coherent, and innovative organization as a result. I especially thank the members of the Board of Directors and Officers, and our Task Force and Committee leaders for their dedication and commitment. I look forward to our next 50 years and to great successes ahead.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Walt Baker'. The signature is fluid and cursive, with a large initial 'W'.

Walter L. Baker, P.E.
Director, Utah Division of Water Quality
ASIWPCA President

Letter to the Membership from Executive Director and General Counsel Alexandra Dapolito Dunn

Dear Members,

I am honored to be at the helm of ASIWPCA at its 50th Anniversary. When I joined the Association in October 2010, I was inspired by the dedication of the Board of Directors and Leadership, and the commitment of the staff. The organization's deep bench of expertise, passion, and vision was front and center.

This year we focused on delivering useful, timely tools to the membership. We overhauled the website, making it fresh, content rich, and dynamic. We launched the Weekly Wrap, improving regular communication with the membership. Reporting out every Friday on ASIWPCA's accomplishments keeps us productive, transparent, and on our toes.

We positioned ASIWPCA back to the heart of a multitude of water policy issues – including funding, nutrients, standards, monitoring, jurisdiction, environmental justice, nonpoint source controls, stormwater, pesticide permitting, compliance and enforcement, and reducing duplicative and burdensome regulations. We wrote over two dozen thoughtful and comprehensive letters on key Association issues for a variety of audiences. Our input to EPA and other agencies demonstrated our expertise, innovation, and a necessary perspective. Our submissions ranged from high level strategic input to detailed regulatory language suggestions.

Our co-regulator relationship with EPA has continued to flourish. We provided input on EPA policy initiatives such as the *Coming Together for Clean Water Strategy*, the *Healthy Waters Initiative*, and the *Urban Waters Initiative*. We participated in the Fall and Spring national Water Division Directors' meetings, and met regularly with all EPA water offices.

Our legislative profile was more visible as we testified at two major hearings in 2011, on pesticide permitting and nutrients, with a total of four ASIWPCA witnesses. Both House and Senate staff call on us for input on legislation under development.

Our efforts to build and expand relationships with diverse governmental and NGOs have shown ASIWPCA as an organization ready to collaborate with others where our goals align. At our best attended Mid-Year Meeting in some time, we were joined by EPA, the Department of Agriculture (USDA), the Department of Justice (DOJ), NGOs, agriculture, sister state associations, industry, municipalities, and states together to discuss key issues of concern. We hosted a dynamic Workshop during the Meeting on nutrients, and a June meeting of diverse organizations on Clean Water Act jurisdiction. We have signed letters with as few as three and as many as 50 organizations from a variety of perspectives on critical issues. Members and staff have represented the Association's views at the meetings and conferences of many organizations. This collaboration will help us identify better ways to address the complex water quality challenges we face today.

From an organizational management perspective, we have reduced our overhead costs so that we are operating as efficiently as possible. This is especially important as we enter FY2012 with no federal funding. Operating strictly on state, affiliate, and subscriber dues, as well as a burgeoning sponsorship program, will provide challenges. In the coming year, we will put a laser focus on cultivating non-dues revenues and new federal funding — all the while in the face of the most difficult federal and state economic climate we have experienced in some time.

I look forward to celebrating with all of you in Charleston, South Carolina. ASIWPCA has so much of which to be proud. Our organization is relevant, realistic – and on the cusp of a renaissance.

Best regards,



Alexandra Dapolito Dunn
Executive Director and General Counsel



About ASIWPCA, History, and Mission

ASIWPCA is the independent, nonpartisan, national organization of state and interstate water program directors, responsible for the daily implementation of the Clean Water Act's (CWA) water quality programs. Established in 1961, ASIWPCA is the only nationally recognized organization whose entire agenda and mission are set by a Board of Directors and leadership composed only of state/interstate water quality program administrators and managers. Long before passage of the *Federal Water Pollution Control Amendments of 1972*, state and interstate professionals were working together to protect and improve water quality nationally through ASIWPCA.



Photo: Noralee Raymond (ME DEP)

Now celebrating our 50th year, ASIWPCA consistently has provided the highest level of information, programming, technical support, and collaborative opportunities to increase state capacity and to support the federal government in the implementation of the federal CWA and related water quality programs. The Association has led national co-regulator collaboration forums, orchestrated evaluation and enhancement of the water quality programs, supported workshops, national meetings, webcasts, and conference calls, and identified and highlighted innovative state programs and practices. ASIWPCA works to assess and convey the shared perspectives of state/interstate water quality agencies at the national level. We fa-

cilitate communication and interaction between the state/interstate water quality agencies and diverse federal agencies, Congress, and the Administration. We offer forums for the exchange of technical and program information and innovations among water quality professionals and we promote public education on water quality issues. The nature of ASIWPCA's work over the years has consistently furthered the specific interests of the federal/state partnership in developing and implementing water quality protection programs. When the federal government – most importantly, the EPA – partners directly with states through ASIWPCA, better regulations

are drafted, superior policy is created, duplication is reduced, national consistency is improved, flexibility is gained, unintended consequences are avoided, greater certainty is realized, legal challenges are minimized and ultimately the public is better served.

The complexity of water quality issues associated with modern challenges requires more collaboration than ever. Over our five decades, we have developed relationships with many organizations, including non-governmental organizations, industry trade associations, municipal and local governmental organizations, and other state regulator groups. ASIWPCA's effectiveness through the years has been enhanced through collaboration, coordination, and innovation with these stakeholders.

Mission:

As the national voice of state and interstate water programs, ASIWPCA strives to protect and restore watersheds to achieve “clean water everywhere for everyone.” ASIWPCA maintains a vibrant national organization that:

- serves membership needs and achieves a high level of participation;
- is the national voice for state clean water program concerns, interests, and priorities;
- facilitates technical and policy innovation among national and state water programs (best practices);
- fosters the collaboration needed for sound public policy; and
- carries out activities in an efficient, ethical and fiscally sound manner.

2010-2011 Leadership

OFFICERS:

President

Walter Baker (UT)
(2/11-Present)

Andrew Fisk (ME)
(Until 2/11)

Vice-President

Steve Gunderson (CO)
(3/11-Present)

Walter Baker (UT)
(Until 2/11)

Treasurer

Paul Davis (TN)
(6/11-Present)

Chuck Corell (IA)
(Until 5/11)

Secretary

Karl Mueldener (KS)

Immediate Past President

Harry Stewart (NH)
(4/11-Present)

Ellen Gilinsky (VA)
(Until 4/11)

Board Representatives:

Region 1 Peter LaFlamme (VT)

Region 2 Mark Klotz (NY)

Region 3 Dana Aunkst (PA) (4/11-Present)

Kathy Bunting-Howarth (DE) (Until 4/11)

Region 4 Coleen Sullins (NC)

Region 5 William Creal (MI)

Region 6 Todd Chenoweth (TX)

Region 7 Karl Mueldener (KS)

Region 8 Jenny Chambers (MT) (3/11-Present)

Steve Gunderson (CO) (Until 3/11)

Region 9 Mike Fulton (AZ)

Region 10 Lynn Kent (AK)

Interstates Carlton Haywood (ICPRB)

National Office Staff

Executive Director & General Counsel

Deputy Director

Director of Operations

Program Manager

Environmental Policy Graduate Fellow

2011 Summer Law Clerk

Alexandra Dapolito Dunn

Sean Qui Rolland

Annette Ivey

Lori Belangia

Susan Kirsch

Adam Weiss

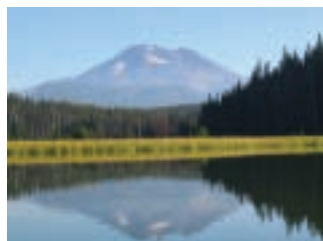
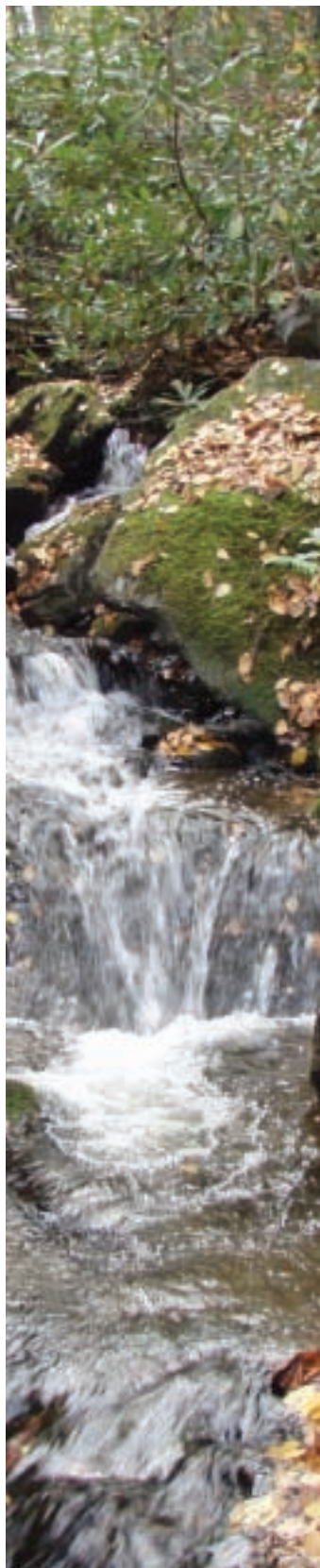


Photo: left to right, Debra Sturdevant (OR DEQ), Paul Andre (MN PCA), Lonnie Shull (UT DEQ), Mike Gallaway (OH EPA)

State, Interstate, & Affiliate Members



Alabama Department of Environmental Management, Water Division
Alaska Department of Environmental Conservation, Division of Water
Arizona Department of Environmental Quality, Water Quality Division
Arkansas Department of Environmental Quality, Water Division
California State Water Resources Control Board
Colorado Department of Public Health & Environment, Water Quality Control Division
Connecticut Department of Environmental Protection, Bureau of Water Protection & Land Reuse
District of Columbia Department of the Environment, Water Quality Division
Delaware Department of Natural Resources & Environmental Control, Division of Water Resources
Delaware River Basin Commission
Florida Department of Environmental Protection, Division of Water Resource Management
Georgia Department of Natural Resources, Environmental Protection Division
Hawaii Department of Health, Environmental Management Division, Clean Water Branch
Idaho Department of Environmental Quality, Surface Water Program
Illinois Environmental Protection Agency, Bureau of Water
Indiana Department of Environmental Management, Office of Water Quality
Interstate Commission on the Potomac River Basin
Interstate Environmental Commission
Iowa Department of Natural Resources, Water Quality Bureau
Kansas Department of Health & Environment, Bureau of Water
Kentucky Department for Environmental Protection, Division of Water
Louisiana Department of Environmental Quality, Water Quality Assessment Division
Maine Department of Environmental Protection, Bureau of Land & Water Quality
Maryland Department of Environmental Quality, Water Management Administration
Massachusetts Department of Environmental Protection Bureau of Resource Protection
Michigan Department of Environmental Quality, Water Bureau
Minnesota Pollution Control Agency, Commissioner's Office for Water Policy
Mississippi Department of Environmental Quality, Office of Pollution Control
Missouri Department of Natural Resources, Water Protection Program
Montana Department of Environmental Quality, Water Protection Bureau
Nebraska Department of Environmental Quality, Water Quality Division
Nevada Division of Environmental Protection, Bureau of Water Pollution Control
New England Interstate Water Pollution Control Commission
New Hampshire Department of Environmental Services, Water Division
New Jersey Department of Environmental Protection, Department of Water Quality
New Mexico Department of the Environment, Water & Waste Management Division
New York State Department of Environmental Conservation, Division of Water
North Carolina Department of Environment & Natural Resources, Division of Water Quality
North Dakota Department of Health, Water Quality Division
Ohio Environmental Protection Agency, Division of Surface Water
Ohio Department of Agriculture, Livestock Environmental Permitting Program
Ohio River Valley Water Sanitation Commission
Oklahoma Department of Environmental Quality, Water Quality Division
Oklahoma Water Resources Board, Water Quality Programs Division
Oregon Department of Environmental Quality, Water Quality Division
Pennsylvania Department of Environmental Protection, Bureau of Water Standards & Facility Regulation
Rhode Island Department of Environmental Management, Office of Water Resources
South Carolina Department of Health & Environmental Control, Bureau of Water
South Dakota Department of Environment & Natural Resources, Surface Water Quality Program
Susquehanna River Basin Commission
Tennessee Department of Environment & Conservation, Division of Water Pollution Control
Texas Commission on Environmental Quality, Office of Water
Texas State Soil & Water Conservation Board
Utah Department of Environmental Quality, Division of Water Quality
Vermont Department of Environmental Conservation, Water Quality Division
Virginia Department of Environmental Quality, Water Division
Washington Department of Ecology, Water Quality Program
West Virginia Department of Environmental Protection Division of Water & Waste Management
Wisconsin Department of Natural Resources, Bureau of Watershed Management
Wyoming Department of Environmental Quality, Water Quality Division

Photo: Bridget Munger (NC DENR)

Climate Change & Energy Committee

Co-Chairs:

Carol Collier (DRBC) and Dave Heicher (SRBC)

Board Liaison:

Kathy Bunting-Howarth (DE) through 3/11

The Climate Change & Energy Committee assumed a new name this FY to provide a home for the Association's work on the water/energy nexus and the surface water implications of natural gas hydraulic fracturing. In its quarterly calls, the Committee covered topics including integrated modeling to characterize climate change impacts and support decision making, the detection of stream flow change, state-to-state exchange on planning for climate change, and adaptive management approaches. The Committee also shared with states climate change resources and planning tools, received status updates on EPA initiatives, and discussed pilot projects in watersheds.

The Committee facilitated a hydraulic fracturing survey in November 2010 to identify which states have hydraulic fracturing operations in their states and to identify surface water threats and research & regulatory needs in this area. Many responding states indicated hydraulic fracturing raises priority water issues and concerns. ASIWPCA became engaged in a Coalition of groundwater, drinking water, and oil and gas groups discussing hydraulic fracturing issues.

The Committee also facilitated a state climate change survey to facilitate discussions with EPA's *State Tribal Climate Change Council*, on which co-chair Carol Collier serves on the Steering Committee. Collier also represented ASIWPCA at the National Water Program Climate Change Retreat in January 2011. The results of ASIWPCA's survey were also presented at the March 2011 meeting of the Association of State Wetland Managers.

Finally, the Committee continues to track climate change initiatives at other federal agencies. For example, officials working on the Council on Environmental Quality's *National Action Plan: Managing Freshwater Resources in a Changing Climate*, and the Department of the Interior's *National, Fish, Wildlife, & Plants Climate Adaptation Strategy* presented on the Committee's June 2011 call.



Photo: Eric Regensburger (MT DEQ)

Legal Affairs Task Force

Co-Chairs:

Beth Card (NEIWPC) and Carin Spreitzer (NY)

Board Liaison:

Lynn Kent (AK)

The Legal Affairs Task Force continued to gain momentum this year, with active and regular participation on calls by its members. The Task Force increased its calls from quarterly to bimonthly to facilitate discussion on a variety of legal and regulatory developments with implications for water and Clean Water Act litigation. Topics included *NEDC v. Brown* (logging roads, 9th Circuit), *Adkins v. VIM Recycling* (RCRA citizen suit, 7th Circuit), *Montana v. Wyoming* (water rights, U.S. Supreme Court), *In re: Upper*

Blackstone Water Pollution Abatement District (permitting decision), *National Pork Producers v. EPA* (CAFO Rule, 5th Circuit), *New Hope Power Company v. Army Corps of Engineers* (prior converted crop lands and §404, S.D. Fla.), the Lake Champlain TMDL decision, the Comprehensive Long Island Sound legislation, coal-ash as a non-hazardous secondary waste rule, and

the Florida numeric nutrients standards challenges. The Task Force also tracked the Pesticide General Permit and §316(b) (cooling water intake structure) rulemakings, as well as the Waters of the United States CWA jurisdictional guidance. These discussions informed ASIWPCA's position for comment letters on all these regulatory developments.

The Task Force is uniquely positioned to overlap with other ASIWPCA Task Forces and Committees, and continued to hold joint discussions on numerous issues. It also benefitted from the growth of ASIWPCA's Legal Subscriber membership base over the past year. Many of the Legal Subscribers served as presenters on conference calls to brief participants on cases and issues on which they worked. Our Legal Subscribers are: AquaLaw, Barnes & Thornburg, Beveridge & Diamond, Crowell & Moring, Hogan Lovells, Hunton & Williams, LimnoTech, National Association of Clean Water Agencies (NACWA), Squire, Sanders & Dempsey, and United Water.

Monitoring, Standards, and Assessment Task Force

Co-Chairs:

Derek Smithee (OK) and Martha Clark Mettler (IN)

Board Liaison:

Karl Mueldener (KS)

The Monitoring, Standards & Assessment Task Force was very active this year, holding 16 calls which focused on some of the most cutting edge topics in this critical area. Issues addressed by the Task Force include: antidegradation and its impact on the TMDL program, the Florida numeric nutrient criteria conflict, coordinating with EPA on revisions to the §303(d)/§305(b) listing guidance, other related developments in the

§303(d) and §305(b) programs, new test methods for PCBs, the addition of a public participation module for the Water Quality Standards Academy, National Aquatic Resource Surveys, and the Monitoring and Assessment Partnership.

The Task Force supported ASIWPCA and other groups' efforts to seek increased funding for the U.S. Geological Survey's (USGS) streamgage program.

EPA's impending WQS regulation revisions were an important topic for multiple calls. Concerns over the nature and extent of EPA's plans led the Task Force to send a powerful letter to

the Agency in March 2011 requesting, among other things, active state involvement in the process.

Members of the Task Force serve as liaisons to a number of standards and monitoring activities, including EPA's Water Quality Standards Managers Association, The Water Environment Federation's (WEF) Standards Forum, the Advisory Committee on Water Information, the National Water Quality Monitoring Council, and EPA's Monitoring and Assessment Partnership.

Funding Task Force

Co-Chairs:

Ron Poltak (NEIWPCA) and Coleen Sullins (NC)

Board Liaison:

Coleen Sullins (NC)

One of the most important issues for states is the insufficient level of federal funding to carry out CWA programs. The Funding Task Force actively worked several key funding issues for states/interstates this year. The Task Force provided critical analysis of the series of federal FY2011 continuing resolutions, the various legislative riders which would have stopped EPA from undertaking or continuing various CWA regulatory efforts – all of which were ultimately removed from the FY2011 bill — and regular updating of a matrix comparing funding for water programs from FY2008 to FY2012.

As budget cuts loomed on the horizon, ASIWPCA joined with over 50 groups on letters to Congress in January 2011 supporting the USGS National Streamflow Information Program and the Cooperative Water

Program. In February 2011, ASIWPCA joined NACWA, Association of Metropolitan Water Agencies, WEF, NGOs, and others on letters to the House and Senate urging funding of the President's FY2011 \$2B request for the CWSRF, as well as the \$45M increase to §106 and the \$200.86M requested for §319 Nonpoint Source Grants. The letter emphasized the importance of funding to meet the CWA's goals, the peril of aging infrastructure, and the economic benefit of clean water — including job creation. Our efforts were thwarted by an overall move to dramatically cut the federal budget across the board. Once the omnibus funding bill was passed in April 2011, key state programs were funded as follows: CWSRF—\$1.521B; §106 Grants—\$238.8M; and §319—\$200M. The Task Force provided notice to the membership regarding the final allocations to each state/interstate under these programs.

In May 2011, when EPA moved \$25M out of §319 without consulting states, the Task Force facilitated a comprehensive ASIWPCA letter to EPA doc-

umenting the adverse impacts of this funding loss on essential nonpoint source control projects.

In June 2011, ASIWPCA joined the Environmental Council of the States in presenting a State FY2013 Budget to EPA — documenting the true level of state need across all environmental programs. As the Annual Report goes to press, the Task Force is hard at work on the FY 2012 budget for EPA, seeking to restore anticipated funding cut by the House to the CWSRF, §106, and §319 programs.



Photo: Thomas Epstein (RI DEM)

Nutrients Committee

Co-Chairs:

Marcia Willhite (IL) and
Drew Bartlett (FL) 5/11 to present
Ellen Gilinsky (VA) through 4/11

Board Liaison:

Ellen Gilinsky (VA) through 4/11

As EPA ramped up its focus on numeric nutrient criteria, the Committee's activities scaled up as well. Quarterly calls included cutting-edge topics such as: nutrient-related impacts to drinking water supplies, different approaches for developing nutrient criteria and making assessment decisions, the challenges of independent applicability, the potential need for further technology controls for POTWs, application of anti-degradation, permitting discharges

into impaired waters, successes of nutrient reduction efforts through non-point source programs, EPA's development of numeric nutrient criteria in Florida, Mississippi basin strategy, the status of numeric nutrient criteria in other states, the definition of a nutrient accountability framework, and EPA's March 2011 *State Nutrient Reduction Framework* memo.

The Committee organized and oversaw the Nutrients Workshop held during the Mid-Year Meeting in Arlington, VA. This meeting brought together high level representatives from EPA, the USDA, NGOs, agriculture, research and academia, and more to discuss five critical topic areas. The Workshop report will be a touchstone for the Association's work on nutrients going forward.

The Committee supported the Association's June 2011 testimony before the House Transportation and Infrastructure Committee's Water Resources and Environment Subcommittee on the states' role in nutrient pollution control. The Committee also coordinated a high-level effort to prepare a June 2011 letter to EPA expressing concern with the Agency's position of independent applicability and its opposition to a weight-of-evidence approach to addressing nutrients. Other signatories to the letter included the American Farm Bureau Federation, the National Association of State Departments of Agriculture (NASDA), the Agricultural Retailers Association, and the American Forest & Paper Association.

Permitting, Compliance & Enforcement

Task Force Co-Chairs:

Paul Davis (TN) and
Pete LaFlamme (VT)

Task Force Board Liaison:

Pete LaFlamme (VT)

Enforcement Committee

Co-Chairs:

Dave Akers (CO) and
Bob Scott (GA) through 4/11

Board Liaison:

Todd Chenoweth (TX)

The Permitting and Compliance Task Force had an active year, holding 41 calls. Topics included the construction stormwater permit, the stormwater rule, the stormwater WLA memorandum, pesticide permitting, possible NPDES permitting of logging roads due to a court decision, the 2008 CAFO rule, the impending §308 CAFO rule, the §316(b) cooling water intake rule, the potential need for further technology controls for POTWs, issuing permits in impaired waters, and EPA's draft *Environmental Justice (EJ) Plan 2014 Implementation Strategy*.

The extensive interaction of the Task Force led to the following high-quality Association letters including: May 2011 comments on EPA's November 2010 memorandum on the consideration of stormwater in TMDLs and permitting; April 2011 comments on EPA's *EJ Draft Implementation Plan – Considering Environmental Justice in Permitting*; January 2011 input on the Stormwater Rulemaking under *Executive Order 13132* (Federalism); February 2011 request with the Association of American Pesticide Control Officials, and the National Association of State Departments of Agriculture for a further stay of the vacature of EPA's *Pesticide Rule*; and a December 2010 letter supporting federal payment of stormwater fees. The Task Force also assisted ASIWPCA with the development of several higher level letters, including comments to EPA on *EO 13563: Improving Regulation and Regulatory Review*, the *Coming Together for Clean Water Strategy*, and the *Clean Water Act Action Plan*.



Photo: Kelli Buscher (SD DENR)

The Enforcement Committee took the lead in responding to EPA's *Clean Water Act Action Plan* and is working with EPA to develop an implementation strategy. Topics for calls included integrating Permit Quality Review with the State Review Framework, updating the Annual Noncompliance Reports, a 3rd party e-reporting data system pilot effort, the pollutant loading tool, an online general permit inventory, potential updates to the SNC policy, public access to state enforcement Memorandums of Agreement, better compliance through 3rd party or self-monitoring, public transparency, addressing the most serious water pollutions problems, rethinking permitting and enforcement practices, improving regional, CROMERR, state/EPA coordination, and developing better analytical tools.

Watersheds, TMDLs, & Nonpoint Source

Watersheds Management Committee

Co-Chairs:

Bruce Yurdin (IL) and Rebecca Flood (MN)

Board Liaison:

Steve Gunderson (CO)

Interim Measures Committee

Co-Chairs:

Tom Stiles (KS) and Scott Hughes (AL)

Board Liaison:

Karl Muedener (KS)

The Watersheds Management Committee held several calls, sometimes jointly with other ASIWPCA groups, including the Legal Affairs Task Force, the Permitting & Compliance Task Force, the Monitoring Standards & Assessment Task Force, and the Nutrients Committee. This Committee addressed EPA's May 2011 draft proposed guidance on clarifying CWA jurisdiction, developments in the area of watershed based permitting, the May 2011 §305(b) National Water Quality Inventory Report to Congress, various Chesapeake Bay initiatives, revisions to the §303(d)/§305(b) listing guidance, and EPA's ongoing §319 study. The Committee also provided input to the Government Accountability Office as it undertook a report to be finalized in FY2012 on the successes and limitations of the §319 program.

The Interim Measures Committee concluded its work this FY with a primary focus on assisting EPA with methodologies to document incremental improvements in water quality. States continued to work on developing performance measures that would bridge the metric gap that lies between developing TMDLs in impaired waters and successfully achieving *all* water quality standards for those waters. In particular, the focus of this effort was to identify and refine appropriate performance measures that highlight the progress of water quality improvements in impaired waters. The Interim Measures Committee prepared excellent March 2011 comments on EPA's FY2012 *New Water Program Guidance - Interim Measures*.

Both Committees assisted ASIWPCA with the development of Association comments to EPA on the Fall 2010 *Coming Together for Clean Water Strategy*; the Winter 2011 *Executive Order (EO) 13,563: Improving Regulation and Regulatory Review*; and ASIWPCA's June 2011 documentation of the adverse impacts across states of the Agency's disinvestment in the §319 program.

Legislative Efforts

ASIWPCA is valued by Congress as a vital source of information on substantive CWA issues and state funding needs. All of the Association's Committees, Task Forces, and the Board and staff work on legislative issues when requested by Congress. With the election in November 2010 changing the political landscape – turning the House of Representatives majority to Republican – the legislative agenda heated up quickly. ASIWPCA President Andy Fisk (ME) testified in February 2011 before a joint hearing of the House Agriculture and Transportation and Infrastructure Committees on why pesticide applications over and near water should be regulated under FIFRA and not duplicatively permitted under NPDES program. ASIWPCA subsequently provided written input to Congress on the intricacies of this topic, and sent letters with the NASDA, the National Association of State Foresters, and the Association of American Pesticide Control Officials to the House and Senate urging a legislative solution for the FIFRA/CWA overlap. As the Annual Report goes to press, legislation was been passed in the House and is pending in the Senate.

In February 2010, ASIWPCA joined over 140 organizations urging Congress to consider water quality issues in the 2012 Farm Bill reauthorization. Our work with the later named Healthy Waters Coalition providing a fairly good sense that the next Farm Bill will indeed provide additional funding for water quality improvements, conservation measures, and nutrient control.

The FY concluded with ASIWPCA members George Elmaraghy (OH), Beth Card (NEIWPCC), and Coleen Sullins (NC) testifying in June 2011 before the House Transportation and Infrastructure Committee's Water Resources and Environment Subcommittee on the states' role in nutrient pollution control. Their testimony emphasized the challenges associated with setting numeric nutrient limits and obstacles presented by nonpoint source pollution. All emphasized the need for state flexibility to address nutrient impairments on a case-by-case basis.



Photo: Mike Galloway (OH DEP)

Federal Grants

Since the earliest days, ASIWPCA has been diligent in pursuing federal funding to support CWA activities which align with the Association's priorities. For half a century, ASIWPCA has provided invaluable technical and program support, increased state capacity, initiated national co-regulator collaboration, offered a network for sharing information and resources, orchestrated evaluation and enhancement of the water quality programs, supported workshops, national meetings, webcasts, and conference calls, and identified and highlighted innovative state programs and practices. In FY2010-2011, ASIWPCA completed two federal grants/cooperative agreements.

State/EPA ORD Water Quality Partnership Project Cooperative Agreement

The project period for this grant was October 2007 to September 2010, with a total award amount of \$50,500.00. Under this project, ASIWPCA formalized a relationship with EPA's Office of Research and Development (ORD) to advance mission-critical research support to states. Over the three year period, ASIWPCA established a Task Force which surveyed the membership and helped categorize and prioritize the most important state water quality research needs. The topical list included several BMP related projects, hydrology modeling tools, integration of biological criteria into WQS, more information on impacts of pharmaceuticals and personal care products, bacteria source tracking, developing defensible nutrient standards, and incorporating stormwater data into TMDLs. The project also showcased and facilitated discussions of several ongoing and recently completed research projects within ORD.

CWSRF Training on Effective Methods to Communicate Environmental Results

The project period for this grant was July 2009 to June 2011, with a total award amount of \$159,880.00. Under this project ASIWPCA planned, prepared, and provided technical training support for states and EPA regions to enhance the

nationwide delivery of summarized information on the environmental benefits achieved from the CWSRF program. The goal of this training was to assist program managers to enhance the quality and quantity of CWSRF loan data entered into the Clean Water Benefits Reporting database, and to help the states and regions understand the critical role that the loan data plays at the national level in protecting and restoring our nation's waters. Training participants offered many suggestions for improving the data quality including identification of the data gaps, systemic issues with data collection, a reduction in required data elements, and the creation of a batch upload process for those

states managing data in parallel systems. Several meetings, conference calls, and webcasts were held over the project period.

Future Outlook

Federal grants have helped support and subsidize staffing and overhead costs. EPA's investment in the relationship has allowed the Association to leverage resources and work with them on projects that might not have been possible without support. While the Agency's funding level has varied,

the partnership has always existed. Due to EPA's budget uncertainty in FY2011 and FY2008 changes to the rules EPA must follow to provide funding to coregulator organizations, ASIWPCA enters its FY2012 with *zero federal support*.

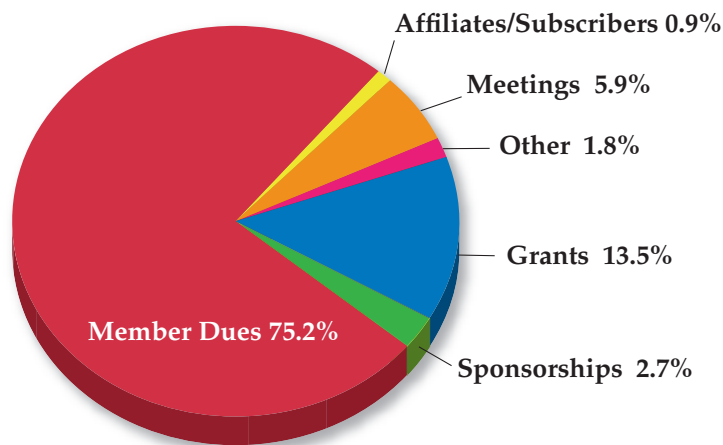
In light of ASIWPCA's state membership, national leadership on water quality issues, mission to serve the public represented by state governments, and proven track record in co-regulator collaboration efforts, state water program administrators have expressly requested that EPA recognize the value of utilizing ASIWPCA for grant projects. ASIWPCA's unique relationship with the states provides invaluable benefits that are diminished, and many times even lost, when EPA chooses contractors and non-coregulator organizations to do the work ASIWPCA was created by states to do.



Photo: Eric Regensburger (MT DEQ)

Revenue Sources

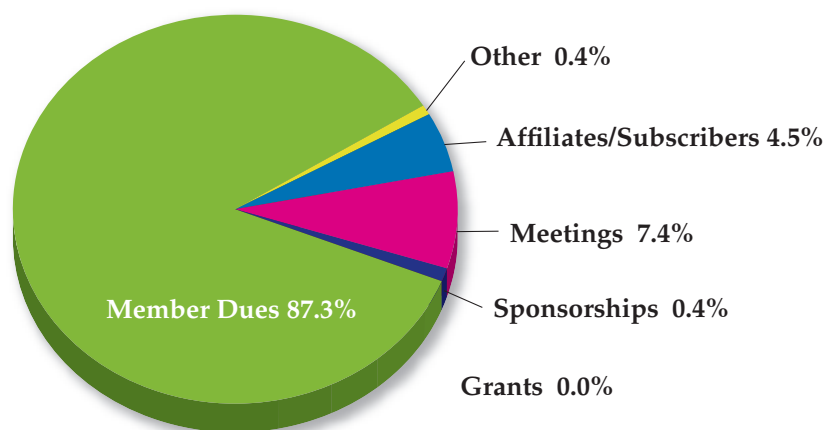
FY2011 Actual Revenue



Revenue Sources	FY2011 Actual Revenue
Grants	\$102,020.10
Sponsorships	\$20,400.00
Member Dues	\$568,004.00
Affiliates/Subscribers	\$6,938.08
Meetings	\$44,709.00
Other	\$13,161.68
Total	\$755,232.86

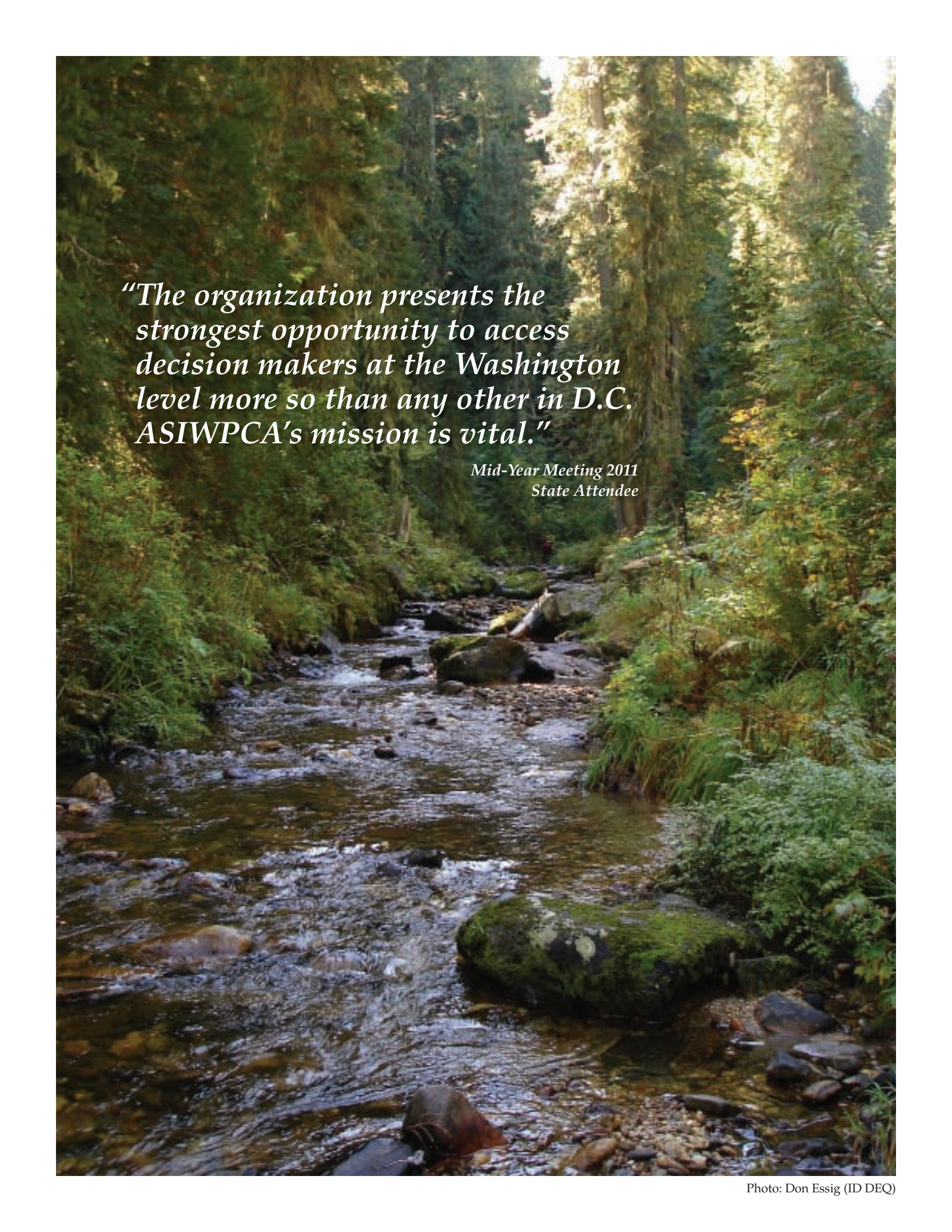
The Association's final FY2011 financial reports are not yet finalized and audited at the time this Annual Report goes to press. However, this section presents a snapshot of ASIWPCA's revenue streams for FY2011. ASIWPCA continued to work on the *Clean Water State Revolving Fund Environmental Benefits* grants project, which was a source of revenue from EPA. As part of the 50th Anniversary, staff recruited several organizations to sponsor the Association during this important year. State and Interstate Member Dues represent the most important revenue source for the organization, and for FY2011 the Association received approximately 92% of the invoiced dues.

FY2012 Budgeted Revenue



Revenue Sources	FY2012 Budgeted Revenue
Grants	\$0.00
Sponsorships	\$3,000.00
Member Dues	\$566,427.00
Affiliates/Subscribers	\$29,000.00
Meetings	\$48,000.00
Other	\$2,500.00
Total	\$648,927.00

The FY2012 Budget provides the total expected revenue from the list of sources identified. ASIWPCA has completed the work on the CWSRF grant with EPA, and while the Association continues to pursue opportunities, at the time of budget approval no new grants had been awarded. ASIWPCA will continue to recruit Affiliate Members and Legal Subscribers, building relationships to grow these categories of membership. ASIWPCA projects it will collect approximately 88% of invoiced dues. Without any federal support, our membership dues are critical to ensuring the financial health and stability of the organization. During these tough economic times, the Association made several difficult choices for the FY2012 Budget that impact staffing, operations, and balancing the budget from our Operating Reserve. Nonetheless, we will continue to strive to provide a consistent and high level of service from the National Office.



"The organization presents the strongest opportunity to access decision makers at the Washington level more so than any other in D.C. ASIWPCA's mission is vital."

*Mid-Year Meeting 2011
State Attendee*



Association of State and Interstate
Water Pollution Control Administrators

1221 Connecticut Avenue, NW, Second Floor
Washington, DC 20036 • (202) 756-0600

www.asiwpca.org

Clean Water Everywhere for Everyone